

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-3 and 10 are now present in the application. Claims 4-9, 11 and 12 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

### **Drawings**

It is gratefully appreciated that the Examiner has accepted the formal drawings.

### **Priority Under 35 U.S.C. §119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

### **Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements filed on May 1, 2006 and October 24, 2006, and for providing Applicants with an initialed copy of the PTO-1449 forms filed therewith.

### **Objection to the Specification**

The Examiner objected to the Specification based on minor informalities.

As the Examiner will note, minor changes have been made in the Substitute Specification attached hereto.

The Examiner is respectfully requested to reconsider and withdraw this objection.

### **Claim Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 4-6, 8 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the international application (WO 00/57990). Claims 7, 11 and 12 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over WO'990 in view of Boyd, U.S. Patent No. 4,899,544. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not repeated herein.

Without conceding to the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, claims 4-9, 11 and 12 have been canceled, which renders these rejections moot.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Allowable Subject Matter**

The Examiner states that claims 1-3 and 10 are allowed. As set forth above, the Specification has been amended to overcome the objection and claims 4-9, 11 and 12 have been canceled.

Favorable consideration and early allowance of the present application is respectfully requested.

**CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: December 30, 2008

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368 

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments